

REMARKS

Claims 1-14 and 21-26 are currently pending in the present application. Claims 1, 7, 11 and 12 have been amended, claims 15-20 have been cancelled and claims 21-26 have been added. By way of the foregoing amendments, and markings to show changes, Applicants have simply rendered the rejections moot.

Examiner Interview

Applicants would like to thank Examiner's Anthony Bartosik and Victor Batson for the time and courtesy extending to Applicant's representative James M. McPherson during an in-person Examiner Interview conducted on August 23, 2007. During that Interview, the pending claims and the prior art were discussed, wherein it was agreed that an amendment to claim 1 to further define the first and second walls different than that of the material located therebetween and that the entire block is substantially formed of straw appears to overcome U.S. Patent No. 1,604,097, to Hewlett, and the prior art of record. However, a subsequent search is to be performed.

Restriction/Election Requirement

Claims 1 through 20 have been subjected to a restriction requirement based upon being directed towards two distinct inventions. Specifically, the Examiner asserts that claims 1 through 14 are drawn to invention I, classified in class 52, subclass 607 and claims 15-20 are drawn to invention II, classified in class 426, subclass 658. Applicants respectfully disagree that this restriction is necessary. In traversing this Restriction/Election requirement, the Applicants believe that consideration of all of the claims would not impose a serious burden on the Examiner. As recited in the Manual of Patent Examining Procedures, § 803:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicants believe that the features shown and described in the present invention, including the claims, are generally related to the same field of art and it would not be a serious burden to the Examiner to search and exam all of the features, as claimed. This is because searching the

system features and methods, within the classes indicated, does not immediately appear to be overly burdensome.

Notwithstanding, Applicants reaffirm the election of Invention I directed towards claims 1 through 14. Applicants have canceled claims 15-20.

Claim Objection

Claim 7 was objected to for appearing by the Examiner to be incomplete. Applicants have amended claim 7 to correct this error. This objection has been rendered moot.

Rejections under 35 U.S.C. §102 and §103

Claims 1, 4, 5, 7, 8 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,604,097, to Hewlett. Claim 11 is rejected under 35 U.S.C. §102(b) as being anticipated by <http://www.eren.doe.gov/buildings/documents/strawbale.html> (webpage). Claims 2, 3, 6, 9, 12, 13, 14 were rejected under 35 U.S.C. §103 as being obvious based upon Hewlett and/or webpage. Applicants respectfully disagree.

Notwithstanding, Applicants have amended claims 1 and 11 to clarify certain advantageous features of the present invention not found in the prior art of record. More specifically, Applicants have amended claims 1 and 11 to recite that the entire block is substantially formed of straw stalks. Applicants have also amended claim 1 to recite that the first and second walls have a higher density of straw stalks than an interior portion of the block being formed of straw stalks. Applicants have still further amended claim 11 to recite that the first and second walls are smooth and the first and second walls include a thickness less than a thickness of the block.

Applicants believe these advantageous feature define the present invention and claims over the prior art of record. Accordingly, Applicants believe that independent claims 1 and 11 are in condition for allowance. Similarly, claims 2 through 10 and 12 through 14 are also believed to be allowable for being based upon an allowable claim.

New Claims 21 – 26

Applicants have added claims 21 through 26 to recite further features of the present invention. For convenience of the Examiner, Applicants have provided a claim chart, below, demonstrating support for the new claims.

| Claim | Feature | Support |
|-------|--|--|
| 21 | | See pending claim 1; Fig. 1; Specification, par. 29; original claim 10; Specification, par. 33. |
| 22 | Side walls define rigid planar smooth walls. | See Specification, par. 29. |
| 23 | All of the walls forming the block include rigid planar smooth walls. | See specification, par. 34. |
| 24 | The one or more through-holes extending through the block defines cylindrical rigid planar smooth walls. | See specification, par. 34. The heating used in the hole formed through the block may result in the same rigid planar smooth wall as described with respect to the first and second walls. |
| 25 | The straw stalks located in the center of the block comprise a rigid material. | See specification, par. 30. |
| 26 | The entire block is rigidly formed of straw stalks. | See specification, par. 34. |

Formal Matters

Applicants have further amended claims 9 and 12 to correct a typographical error and/or to simply clarify the features of the claim.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See,

Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

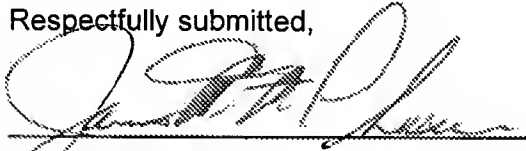
CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicants requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicants has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

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Respectfully submitted,



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